



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/18/033/FUL	Expiry date: 26 June 2018
Received on: 26 April 2018	Neighbour expiry date: 22 May 2018
UPRN: 000192001042	Consultation expiry date:
Legal agreement:	Site notice posted: 1 May 2018
Departure:	Site notice expiry: 22 May 2018
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr & Mrs Humphries
Site Address:	7 Lower Strand Hugh Town St Mary's Isles Of Scilly TR21 0PS
Proposal:	Extensions and alterations including 2 no. dormer windows to front, 1 no. dormer window to rear, replacement of UPVC windows with timber, demolition of flat roof extension and replacement with pitched roof extension and removal of existing outbuildings and replacement with single outbuilding for use as additional living space in conjunction with main dwelling.
Application Type:	Planning Permission

### Description of site and development:

This is an application for the installation of front and rear facing dormer windows as well as the construction of a replacement outbuilding and a replacement rear extension. The property is a mid-terrace granite cottage that fronts on to Lower Strand in Hugh Town. The property is on the south side of the road. With no front garden the property directly adjoins the pavement. To the rear the property has a generous private rear garden with an existing attached rear extension and existing detached outbuilding along the rear boundary, which back on to Museum Flats.

### Public representations:

A site notice has been on display in the vicinity of the site on Holgates Green, for a period of 21 days. No letters of representation have been received.

### Consultee representations:

NONE

## Constraints and designations:

Conservation Area, AONB, Heritage Coast, HLC: Settlement

## Relevant policies, SPGs and Government guidance:

### Primary Legislation and Planning Policy

#### Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

#### The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

#### The Conservation of Habitats and Species Regulations 2010

(Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

### Planning Policy

#### National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Paragraph 192 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 11 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 115 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

#### Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.

#### **Isles of Scilly Design Guide 2007**

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

#### **Consultation Draft Isles of Scilly Local Plan 2015-2030**

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). This emerging document also contains policies for the residential extensions (Policy LC9). Additional space created by an extension to a dwelling, or the erection or alteration to outbuildings and other structures to provide ancillary accommodation, can be an acceptable means of meeting changes in household space requirements. However, they can also have a significant effect on the neighbours' enjoyment of their property, as well as impacting on the character and appearance of the building and surrounding area. Consequently proposals should be properly integrated with the existing dwelling, respect the character of the surrounding area and safeguard the privacy and amenity of neighbouring properties.

Policy LC9 Residential Extensions: sets out that developments that propose to extend and/or alter a dwelling will be permitted where the proposal: a) respects the scale, proportions, materials and overall design and character of the existing property; and b) does not harm the street scene or surrounding area; and c) avoids the material loss of privacy and amenity for the residents of neighbouring properties. Where a domestic extension results in an increase in scale (in relation to footprint and volume) of the original dwelling by 40% or more, an occupancy restriction will be imposed to retain the property as permanent residence.

A link to this consultation Draft Local Plan has been set out below. Clearly the consultation draft Local Plan has only just concluded public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight. However, it is important to ensure Members are fully aware of relevant policy requirements being proposed, moving forward.

**Appraisal/key issues and conclusion:**

The main planning issues for consideration relate to whether the proposed extension of the dwelling together with the dormer windows and rebuilt outbuilding is acceptable in principle. It is material to consider the impact upon the wider character and appearance of the area including the impact upon the Conservation Area and AONB. Finally as a domestic extension it is essential that it does not give rise to any significant harm to the privacy and amenity of existing neighbouring properties.

No 7 Lower Strand is a traditional small mid-terraced granite property. It is situated to the rear of the Museum and it between The Fudge/Bakery Shop and No 6 Lower Strand in Hugh Town on St Mary's. The Plans as existing show that the property has a bedroom and a storage area within the roofspace. At first floor are 3 bedrooms and to the ground floor there is a living room to the front and a dining room to the rear. Within the flat roof existing rear extension is a kitchen and bathroom. Within the existing walled garden is a water store, x2 greenhouses and a timber outbuilding. There is a gated pedestrian access from the rear garden out to the rear of the Museum where there appears to be access or a right of way on to Church Road.

To the front currently is a single small dormer window and to the rear there are no dormer windows. Along the east boundary of the garden is the wall of one of the two units that form the two affordable units at Well Cross, now known as Tom Chudleigh's yard. The private rear garden is 17 metres deep by 7.5m wide and is slightly wider overall than the dwelling itself. The plans show the garden boundaries do not align with the property party wall boundaries.

As originally constructed the mid-terraced property had a footprint of around 47.5 square metres. The extensions to the rear equated to a 39% increase in footprint on the original dwelling. The usable floorspace of the original dwelling would appear to be around 98 square metres with the original rear extension adding an addition 18.7 square metres. This is an increase of around 19% usable floorspace.

The current proposal includes a demolition of this existing flat roof extension and its replacement with a wider but simplified rear extension that encompasses the width of the dwelling to a depth of 5 metres. This would have a lean-to pitched roof with solar panels on top. This would equate to an increase of around 40% usable floorspace (97.95m<sup>2</sup> to 137.95m<sup>2</sup>) and an 84% increase in footprint from the original dwelling (47m<sup>2</sup> to 87m<sup>2</sup>).

The location of the private rear garden has no wider visible presence in the streetscene other than being visible from the windows of adjacent properties. It is therefore considered that the replacement rear extension is acceptable in principle.

Turning to the rebuilt outbuilding then currently, on plan, this is 40m<sup>2</sup>, which was confirmed after a site visit, and is a single storey flat roof storage building. The proposal is a substantially different 'flexible' space that measures 60.8m<sup>2</sup>. This is a 52% increase in footprint and usable floorspace. The plans show this to be a self-contained unit of accommodation that is stated to be for ancillary use to the main dwelling, i.e. not for separate holiday let use.

As with the proposed extension the proposed ancillary outbuilding will be well-screened and be located within the existing private rear garden at this property. The accommodation provided appears to be of a self-contained nature which could easily be occupied separately to the main dwelling. This could be controlled through a planning condition to ensure that its occupation is restricted to ancillary accommodation only. Subject to this condition it is considered that the outbuilding proposed would be acceptable in principle.

### **Impact upon neighbouring amenity**

Being located within a high-walled private garden area both the proposed single storey rear extension and proposed enlarged outbuilding would not give rise to any significant impact, loss of outlook or overlooking. They are located within an already high-walled garden and as such the mono-pitched roof outbuilding and lean-to extension will not have any significant adverse impacts.

Turning to the proposed additional dormer windows. To the front these are proposed to be two traditional pitched roof dormer windows, which overlook the road and Holgates Green. These are similar to other front facing dormer windows in the vicinity and are considered to be acceptable.

To the rear it is proposed to construct a 5.4 m wide lean-to pitched single dormer window that will extend off the existing ridge and incorporates 4 windows serving a stairwell, bedroom and two within the ensuite. These windows do not provide the main source of outlook for this second floor accommodation and appear to be for light purposes. On the roof of the dormer window it is proposed to install more solar PV. The proposed rear dormer extension does not fill the width of the roof and is similar to the dormer windows to the adjacent property, although less prominent. The level of overlooking into neighbouring properties will be similar to the existing neighbouring dormer windows. There is a distance of 20 metres before the rear facing windows of Museum Flats, which is considered to be an acceptable relationship. There would be views back towards Lemon Hall but again the distances are around 20 metres and in this case the angles would be oblique. It is not considered that the proposed dormer window would have a significant impact upon the privacy of this property.

#### **Impact upon the wider character of the area**

As noted above the rear garden of this property has limited visible impact with the only views of it being from adjoining and adjacent properties. There is therefore no impact upon the public realm from the proposed works. There may be some longer range views of the second floor dormer windows from, for example Buzza Hill, particularly with the use of Solar PV, but these are very much within the roofscape of Hugh Town and will not be adversely prominent. There is a significant amount of in-filling of extensions and outbuilding within the gardens of other properties within the vicinity and it would appear that the works will consolidate much of the ad-hoc development into a simplified set of buildings. It will be important to condition samples of materials to ensure that the development is of an appropriate quality and finish. Subject to this it is considered that the proposal will not have any significant or adverse impacts upon the wider character of the area.

#### **Impact upon the historic Environment**

7 Lower Strand is not a listed building and none of the immediate neighbours are otherwise designated or identified as important buildings within the Conservation Area. There are, however, a high number of listed buildings within the vicinity of this site. To the west on the opposite side of the road there is the Grade II Customs House, on the same side as the application site, but a few doors down to the west are 2 further Grade II listed buildings of Simpsons Shop and Lyonesse. The south is Lemon Hall, which is Grade II, to the east is the Methodist chapel, which is Grade II and further to the east are the cottages of Upper Strand, which are all Grade II listed. The closest is Lemon Hall to the south. This has a relatively small curtilage for a house of this status (large Georgian detached property dating back to the 1820s). This may have always had a limited curtilage or it could have been foreshortened possibly through the historic use of the garden as a boat building yard (author's assumption) which was re-developed in 2015 to form 2 units of Local Need Accommodation (Tom Chudleigh's Yard). The 1890s OS maps for this area are not entirely clear on whether the property has a reduced curtilage or not. The garden associated with number 7 Lower Strand, however, and properties to the west appear to be historically separate from the curtilage of Lemon Hall. The development proposed is not considered to affect the setting of the nearby Grade II listed building.

It will be important for the owners to secure a party wall agreement to ensure the construction of the rear extension and outbuildings do not compromise any party walls by reason of attachment and that appropriate acoustic measures are incorporated into the building. This would be part of complying with the Building Regulations.

**Recommendation:**

The proposal is considered acceptable subject to the following conditions:

C1 Standard 3 year Time Limit

C2 In accordance with the approved plans:

- Site Location Plan, Date Stamped 26 April 2018
- Proposed Site Plan, Drawing No PP01, Dated 05.04.2018
- Proposed Elevations and Sections, Drawing No PP03, Dated 04.04.2018
- Proposed Floor Plans, Drawing No PP02, Dated 05.04.2018

These are stamped as approved.

C3 Submission of a Site Waste Management Plan

C4 Submission of details or samples of facing materials

C5 Submission of details or samples of windows

C6 Condition the ancillary accommodation to be occupied only in associated with No 7 Lower Strand as ancillary accommodation only and not as a separate unit of accommodation.

C7 Construction Hours of Operation

C8 Removal of Permitted Development Rights

C9 Ancillary Accommodation only in connection with 7 Lower Strand.

**ANY ADDITIONAL INFORMATION:**

- In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.
- In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £34 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
- In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fees are as follows:
  - a) £34 for each request to discharge condition(s). The fee is payable for each individual request made to the Local Planning Authority.
- As the proposed works affect the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Party Wall etc. Act 1996.

Signed: 	Dated: 23/05/2018	Signed: 	Dated: 23/05/2018
Planning Officer		Senior Manager	